IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 9271 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

RAMESHBHAI SOMABHAI SOLANKI

Versus

MEDICAL SUPERINTENDENT

Appearance:

1. Special Civil Application No. 9271 of 2001

MR SV PARMAR for Petitioners No. 1-5

MS PREETI S PARMAR for Petitioners No. 1-5

MR IM PANDYA, ASST. GOVERNMENT PLEADER for Respondents No. 1-2

MR MUKTESH V PATEL for Respondent No. 3

MR DG CHAVDA for Respondent No. 3

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 19/12/2001

ORAL JUDGEMENT

Rule. Service of rule is waived by learned AGP Shri I.M. Pandya for the respondents. Looking to the facts of the case, the learned advocates have requested that the matter be finally heard today.

2. The petitioners, who are working as clerks since 6th October 1983, apprehend that they might be reverted to class IV post. The petition has been thus filed on an apprehension.

3. In normal circumstances, the petition could have been disposed of as premature, but learned AGP Shri Pandya has very fairly submitted that the petitioners will have to be reverted because they were promoted because of some mistake.

4. Needless to say that even if the petitioners are promoted because of some mistake, they cannot be reverted without following due process of law. In the circumstances, if the petitioners are to be reverted, they would be reverted in accordance with law and only after issuing show-cause notice and calling upon them to show as to why they should not be reverted. If after hearing them the authorities come to a conclusion that they should be reverted, it would be open to the concerned authority to revert them.

5. In view of above direction, the petition stands disposed of as allowed to the above extent with no order as to costs. Rule is made absolute.

(A.R. Dave, J.)

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